

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION**

BOARD ORDER R7-2017-0002
FOR
RESCISSION OF CEASE AND DESIST ORDER R7-2008-0008 (AS AMENDED)
CITY OF BRAWLEY, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT, AND
WASTEWATER COLLECITON AND DISPOSAL SYSTEMS
Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region (Colorado River Basin Water Board), finds that:

1. The City of Brawley, California (Discharger), owns and operates a Wastewater Treatment Plant (WWTP) and sewage collection system that provides sewage services to the Brawley residents and businesses. The WWTP has a design capacity of 5.9 million gallons per day (MGD). The Discharger's WWTP and collection system is a publicly owned treatment works (POTW), as defined in Title 40 of the Code of Federal Regulations (40 CFR) section 403.3, and discharges its effluent into the New River via Discharge Point 001, which is a tributary to the Salton Sea. The New River and the Salton Sea are waters of the United States.
2. From 1995 through 2012, the Colorado River Basin Water Board adopted four different National Pollutant Discharge Elimination System Permit (NPDES) permits/waste discharge requirements (WDRs) for the WWTP: Board Order Nos. 95-014 and 00-087, R7-2005-0021 and R7-2010-0022. Currently, the Discharger is subject to the requirements set forth in Board Order R7-2015-0004, NPDES No. CA 0104523¹.
3. From 1999 to approximately February 2012, the Discharger owned and operated various configurations of a WWTP with wastewater treatment ponds as its main treatment system. During this period, the WWTP did not have the necessary treatment capacity to handle incoming wastewater, including the incoming ammonia loading that increased in late 2001 when a beef plant began discharging into the POTW. Consequently, the Discharger chronically violated the effluent limitations set forth in Board Order R7-2005-0021.
4. On March 19, 2008, the Colorado River Basin Water Board adopted Cease and Desist Order (CDO) R7-2008-0008 to require the Discharger to cease and desist from discharging wastes in violation of Board Order R7-2005-0021 and to implement corrective actions in accordance with specified tasks and time schedules. The primary tasks that the Discharger was required to complete were: (1) to complete a proposed WWTP upgrade to bring the Discharger in compliance with its NPDES Permit (Milestones 1.A-1.E of the CDO); and (2) to prepare and submit a Pretreatment Program for approval to control industrial users discharging into the POTW (Tasks 2.A-2.E of the CDO).

¹ The previous four permits were rescinded except for enforcement purposes.

5. On November 19, 2008, the Colorado River Basin Water Board adopted Special Board Order R7-2008-0069, which amended CDO R7-2008-0008 by establishing interim effluent limits for ammonia in accordance with California Water Code (CWC) section 13385(j)(3)(C)(iii)(I) so that the Discharger would not incur in Mandatory Minimum Penalties for violating its ammonia NPDES Permit limits. On January 21, 2010, at the request of the Discharger, the Colorado River Basin Water Board also adopted Special Board Order R7-2010-0003. This Special Board Order further amended CDO R7-2008-0008 by extending the compliance deadline to complete the new WWTP construction and operational upgrades from December 31, 2010 to June 30, 2012 and to extend the deadline to fully comply with the NPDES Permit from December 31, 2012 to June 30, 2012.
6. The Discharger completed construction of its upgraded WWTP in January 2012. The Discharger also hired a certified Chief Operator on January 15, 2008 for this WWTP before startup of the upgraded WWTP. Monitoring data for the WWTP shows that the Discharger has been in full compliance with the Board Order No. R7-2005-0021 since June 2012.
7. The Discharger submitted a proposed Pretreatment Program to the Colorado River Basin Water Board staff in January 2013, more than four (4) years after it was due.² The Colorado River Water Board staff rejected the proposed Pretreatment Program for technical deficiencies. The Discharger resubmitted its proposed Pretreatment Program on December 23, 2013. On March 20, 2014, the Colorado River Basin Water Board adopted Resolution R7-2014-0020 approving the proposed Pretreatment Program, including all implementation plans described in the CDO R7-2008-0008, as amended.
8. Since adoption of the CDO, the Discharger has been submitted self-monitoring data on compliance with its current NPDES Permit. Based on this data, the Colorado River Basin Water Board finds that Discharger's WWTP has achieved full compliance with applicable effluent limitations, with no ammonia or toxicity³ violations for over the last three and one-half years.
9. This Board Order R7-2017-0002 rescinds the CDO R7-2008-0008, as amended. As described in findings 6-8, the corrective actions including WWTP upgrades and development of the Pretreatment Program have been fully implemented. Further, the Discharger has been in full compliance with the effluent limitations for ammonia and toxicity in the current NPDES permit since June 2012.
10. The Colorado River Basin Water Board has notified the Discharger and all known interested agencies and persons of its intent to adopt this Board Order rescinding CDO R7-2008-0008, as amended, and has provided them with an opportunity to submit comments.

² Due to the CDO violations, among other alleged violations, the Colorado River Basin Water Board adopted Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order R7-2013-0068 (Settlement Agreement), assessing \$1,000,000 in liability against the Discharger on September 19, 2013.

³ Toxicity Identification Evaluation (TIE) reports dated July 2, 2001 and July 3, 2002 identified ammonia as the primary toxicant in the WWTP discharge.

Board Order R7-2017-0002
Rescinding Cease and Desist Order R7-2008-0008
City of Brawley WWTP

11. Issuance of this Board Order is exempt from the provisions of Chapter 3 of the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.), in accordance with Title 14, California Code of Regulation, section 15321.
12. The Colorado River Basin Water Board, in a public meeting, heard and considered all comments pertaining to this Board Order.

IT IS HEREBY ORDERED that Cease and Desist Order No. R7-2008-0008, as amended by Special Orders R7-2008-0069 and R7-2010-0003 is rescinded.

I, Jose L. Angel, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on January 19, 2017.

JOSE L. ANGEL, P.E.,
Executive Officer